

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

RICHARD BERNIER,

Plaintiff,

v.

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Defendant.

Case No. 4:24-cv-00002-SLG

**ORDER ON MOTION FOR SUMMARY JUDGMENT ON COUNT I OF  
PLAINTIFF'S COMPLAINT**

Before the Court at Docket 27 is Defendant State Farm Mutual Automobile Insurance Company's ("State Farm") Motion for Summary Judgment on Count I of Plaintiff's Complaint. Plaintiff Bernier responded with a limited opposition to motion at Docket 31 to which Defendant State Farm replied at Docket 32.

This case arises from a motor vehicle collision that occurred in November 2020. Plaintiff Bernier was struck by another vehicle driver by an underinsured motorist. After Mr. Bernier received a policy limits settlement from the other driver's insurance, he sought coverage under his underinsured motorist ("UIM") coverage with State Farm. The Complaint sets out four counts: Count I alleges that Mr. Bernier is entitled to recover the UIM coverage policy limits from State Farm. Count II alleges negligent and reckless claims Handling. Count III alleges a violation of the covenant of good faith and fair dealing. And Count IV seeks punitive

damages.<sup>1</sup>

State Farm's motion seeks summary judgment solely as to Count 1 of the Complaint. State Farm asserts that summary judgment on this count is warranted because "State Farm has paid all available sums under the UIM coverage provided by the policy it issued to plaintiff."<sup>2</sup>

Plaintiff's limited opposition acknowledges that State Farm has "belatedly paid the amount owed to Plaintiff under his UIM claim," but maintains that the "post-lawsuit payment does not impact" the other three counts in the Complaint.<sup>3</sup> In reply, State Farms reiterates that it is only seeking the dismissal of Count I, and maintains that rather than filing a limited opposition, Plaintiff "should have [filed] a non-opposition to the requested relief."<sup>4</sup>

Based on the foregoing, IT IS ORDERED that State Farm's Motion for Summary Judgment on Count I of Plaintiff's Complaint at Docket 27 is GRANTED.

DATED this 27th day of November 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Docket 1-1 at 3-12.

<sup>2</sup> Docket 27 at 1-2/

<sup>3</sup> Docket 31 at 1.

<sup>4</sup> Docket 31 at 2.